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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,552	04/15/1999	CHARLES L MAURO	9628006999	3736

20583 7590 07/14/2004

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/292,552

Applicant(s)

MAURO ET AL.

Examiner

Romain Jeanty

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N4

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-33, 48-49, 51-52, and 71-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-33, 48, 49, 51, 52 and 71-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Final Office Action is in response to the Amendment filed on March 19, 2004. No claims were added nor canceled in the amendment. Claims 8-33, 48-49, 51-52, and 71-90 are pending in the application.

Response to Arguments

2. Applicant's arguments filed March 19, 2004 with regards to 8-33, 48-49, 51-52, and 71-90 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-19, 21-29, 31-32, and 48-49, 51-52 and 71-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (6,014,643) in view Dialog "Hambrecht

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& Quist Selects Stratus, TCAM For On-line Brokerage Application” as set forth in the last Office Action of paper number 32

5. Claims 20 and 30 are rejected under 103(a) as being unpatented over Minton and Dialog as applied to claims 19 and 29 above, and further in view of Tull jr. et al (U.S. Patent No. 6,092,056 herein referred to as Tull) as set forth in the last Office Action of paper 32.

6. Claim 33 is rejected under 103(a) as being unpatented over Minton and Dialog as applied to claim 29 above, and further in view of Tull jr. et al (U.S. Patent No. 6,092,056 herein referred to as Tull) as set forth in the last Office Action of paper number 32.

Response to Arguments

7. Applicant's arguments with respect to claim 8-33, 48-49, 51-52 and 71-90 have been considered but are moot in view of the new ground(s) of rejection.

Remarks

8. Applicants asserted that Minton and Dialog fails to teach the limitation of the claimed invention claimed. Applicants further supported their assertion by arguing that Dialog does not mention real-time updating of displayed information being done automatically. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *automatic* update) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Further, Dialog does teach the real-time NASDAQ price feeds (real-time update). Since Dialog teaches on-line access to its customers, the information must be displayed and updated. Note second paragraph of Dialog.

Applicants further argued that the combination of Minton, Dialog and Tull discloses displaying data relating to a user's position or account balances being updated in real-time. In response, the examiner respectfully disagrees with applicants' argument because Dialog clearly discloses real-time position being updated and monitored. Note second paragraph of Dialog.

Applicants requested clarification of the "displaying the performance of a financial instruments 'securities'". It is noted that this phrase was inadvertently re-typed.

In response to applicants' request that the Patent Office provide documentary evidence for the alleged facts of which Official Notice has been taken "entering counter offers in an electronic form during a negotiating process and before offers can be accepted", Applicants are referred to column 19, lines 40-55 of Bisbee et al U.S. Patent No. 6,367,013.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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a. Dialog (Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Adopt an AUTOM Rule and To Request Permanent Approval for the AUTOM Pilot Program) discloses displaying bids and sell offers information to users and real-time update of information.

b. Dialog (Bloomberg and Merrin Financial Team Up to Provide Paperless Trading On Bloomberg Tradebook) discloses displaying securities information and the automatic update of trader's information.

c. Meyers "A guide to on-line investing. (on-line financial information services) (evaluation)) teaches graphical display of of security prices and automatic access to database and update information on securities.

d. Freeman (From Wall Street to your Street) teaches displaying trade trade security report and the automatic update of security.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D. C 20231

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington VA, seventh floor receptionist.

June 28, 2004



Romain Jeanty

Primary Examiner

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